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U.S. DISTRICT COURT E.D.N.Y.

★ AUG 10 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
DAVID DELUCIA, as FUND ADMINISTRATOR OF :
THE UNITED BENEFIT FUND; ANDREW TALAMO, as: :
TRUSTEE OF THE UNITED BENEFIT FUND; :
THOMAS D. AMBROSIO, as TRUSTEE OF THE :
UNITED BENEFIT FUND; and THE UNITED BENEFIT :
FUND, :
:
Plaintiffs, :
-against- :
:
MONTGOMERY GATEWAY, :
:
Defendant. :
:
----- X

BROOKLYN OFFICE
10-CV-5705 (ARR)(RLM)

NOT FOR
PRINT OR ELECTRONIC
PUBLICATION

ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated July 6, 2011 from the Honorable Roanne L. Mann, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the court grants plaintiffs' motion for a default judgment and awards damages in the amount of \$36,805.16, comprised of \$28,756.00 in unpaid contributions, \$1,017.96 in

interest on unpaid contributions, \$5,751.20 in liquidated damages, and \$1,280.00 in attorney's fees and costs.

The Clerk of Court is directed to enter judgment accordingly. Plaintiffs are directed to serve a copy of this order upon defendant at its last known address and to file proof of service with the court.

SO ORDERED.

/s/(ARR)

Allyne R. Ross
United States District Judge

Dated: August 8, 2011
Brooklyn, New York